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## State Water Resources Control Board

June 25, 2015

TO WATER RIGHT HOLDERS ON THE ATTACHED LIST THAT WERE PREVIOUSLY  
MAILED A NOTICE OF CURTAILMENT BUT HAVE NOT YET SUBMITTED AN ONLINE  
CURTAILMENT CERTIFICATION FORM

Since April, 2015, the State Water Resources Control Board (State Water Board) has issued Notices of Unavailability of Water (Notice) to holders of appropriative water rights with certain priority dates informing them that water supplies are so low that there is not enough water available for them to divert under their priority of right. The Notice lets the water right holder know that if diversions are not stopped, that the water right holder may be subject to enforcement for an unauthorized diversion of water. The Notice is not an order.

The Notice required that a Curtailment Certification Form (Form) be submitted online within seven days. If your name is on the attached mailing list, the State Water Board has not received a Form(s) from you for the specified water right(s) affected by a Notice as of this date. The information you provide on the Form is important to help the State Water Board effectively protect senior water rights and administer the State's water right priority system during a drought. Based on the answers you provide on the Form, the State Water Board may not need to inspect your property. Also, if you identify that the curtailed water right is your sole source of water for health and safety needs, the State Water Board can assist you in finding alternative water supplies, or determine that enforcement discretion is warranted.

The State Water Board is currently in the field to determine if unauthorized diversions are actually taking place. The State Water Board prioritizes inspections based on nonresponses to the Form and information available to the Board suggesting that diversions may be continuing under water rights for which no water is available. These inspections can occur with or without pre-notice.

Unauthorized diversions are subject to enhanced penalties of up to \$1,000 per day and \$2,500 per acre-foot of water provided by the 2014 emergency legislation to protect water supplies during the drought emergency. Pursuant to State Regulations, diversion of water when no water is available pursuant to a diverter's water right constitutes an unauthorized diversion and a trespass under Water Code section 1052.

For the above reasons, you should complete the Form at:

[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/ewrims/curtailment/2015curt\\_form.php](http://www.waterboards.ca.gov/waterrights/water_issues/programs/ewrims/curtailment/2015curt_form.php)

If you have any questions regarding the Notice, Form or the password for completing the Form, contact Kathy Mrowka, Manager, Enforcement Section at (916) 341-5363 or via email at [Kathy.Mrowka@waterboards.ca.gov](mailto:Kathy.Mrowka@waterboards.ca.gov).